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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,007	01/21/2004	Asif Hossain	555255012688	4523

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OTTAWA, ON K1R 7Y2  
CANADA

EXAMINER
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STEPHEN, EMEM O

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/762,007	Applicant(s) HOSSAIN ET AL.	
	Examiner EMEM EKONG	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3-9,11,15-19 is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 06/07/2007 have been fully considered but they are not persuasive.

The filing date for Aerrabotu was December 31, 2002 before the Applicant's filing date, which renders the Applicant's invention obvious at the time it was filed, the 103 statutory basis states that: a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Applicant failed to argue on independent claim 12, the Examiner believes that limitations are the same as disclosed by the applied reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joe Ulvr on October 4, 2007.

3. The application has been amended as follows:

***Claims***

- i. Claim 15 has been amended as follows:

15. (Currently Amended) A mobile station for enhancing the probability of successful emergency call completion to a network and successful callback from emergency service centre, the mobile station comprising: a communications subsystem, said communications subsystem including a receiver, a transmitter and a digital signal processor; a microprocessor communicating with said digital signal processor of said communications subsystem; user input and output means communicating with said microprocessor; memory communicating with said microprocessor; and an emergency service module, said emergency service module communicating with both said digital signal processor and said microprocessor, wherein during an emergency call attempt or callback said emergency service module directs said microprocessor to ignore non-voice service requests other than position location service requests from said network, the ignoring of the non-voice service requests including blocking sending of an acknowledgement message generated by the mobile station based on said non-voice eservice request.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U S Publication No. 2004/0203572 A1 to Aerrabotu et al. (Aerrabotu) in view of Ikonen.

Regarding claims 12, Aerrabotu discloses a method of enhancing the probability of a successful emergency callback to a mobile station in a network from an emergency service centre (see abstract, and par 9 lines 7-11), the method comprising the steps of: during a callback period, monitoring whether a user attempts to initiate a non-voice

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service request that is anything but an information service request, and if yes ignoring said non-voice service request (see figure 2 steps 206-214, and par.15, a user operating in a limited service mode is only allowed a communication with a service center that includes the transmission of equipment identity information). However, Aerrabotu fails to disclose a position location service request. In a similar endeavor, Ikonen discloses a position location service request (see abstract, and figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Aerrabotu, and have a position location service request transmitted to emergency service centre as disclosed by Ikonen for the purpose of locating the user in the case the call was accidentally terminated (par. 30)

Regarding claim 13, the combination of Aerrabotu and Ikonen discloses the method of claim 12, further comprising the steps of: checking whether said network allows non-emergency voice or position location services, and if not, prompting whether a user wants to exit said callback period (Aerrabotu, see figure 2 steps 206-208).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aerrabotu in view of Ikonen, and further in view of Kucmerowski.

Regarding claim 14, the combination of Aerrabotu and Ikonen discloses the method of claim 13, however the combination fails to disclose checking whether a callback timer has expired, and if yes entering a regular mode.

Kucmerowski discloses checking whether a callback timer has expired, and if yes entering a regular mode (see figure 4 steps 414-420).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination by checking whether a callback timer has expired, and if yes entering a regular mode as disclosed by Kucmerowski for the purpose of returning to a regular mode of phone operation after a callback timer has expired.

***Allowable Subject Matter***

9. Claims 1, 3-9, 11, and 15-19 are allowed.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited with regards to claim 12:

US Patent No. 6,839,552 B2 to Martin

EP Patent No. 1139684 A1 to Cho

US Patent No. 7039425 B1 to Mazawa et al

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PRIMARY EXAMINER